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FILED JAN 07 1999

By P. Follogs

HJ.R. No. 29

A JOINT RESOLUTION

proposing a constitutional amendment authorizing the legislature to provide that a state board, commission, or other agency shall be governed by a board composed of an odd number of three or more members.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 30a, Article XVI, Texas Constitution, is amended to read as follows:

Sec. 30a. The Legislature may provide by law that the [members-of-the] Board of Regents of the State University and boards of trustees or managers of the educational, eleemosynary, and penal institutions of the State, and such boards as have been, or may hereafter be established by law, may be composed of an odd number of three or more members who serve for a [hold-their respective-offices-for-the] term of six (6) years, with one-third, or as near as one-third as possible, of the members of such boards to be elected or appointed every two (2) years in such manner as the Legislature may determine; vacancies in such offices to be filled as may be provided by law, and the Legislature shall enact suitable laws to give effect to this section.

SECTION 2. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the amendment to Section 30a, Article XVI, of this constitution, proposed by the 76th Legislature, that provides that the governing

- body of a state agency may be composed of an odd number of three or more members. This provision expires September 1, 2005.
- (b) The legislature shall provide by law for the change in composition of the governing body of a state agency that is composed in accordance with Section 30a, Article XVI, of this constitution, as added in 1912, but that is not composed in accordance with the amendment to that section. Laws enacted by the legislature under this subsection shall provide that the change in composition into a form allowed under this constitution will take place not later than September 1, 2003.
- (c) The governing body of a state agency composed in accordance with Section 30a, Article XVI, of this constitution, as added in 1912, but that is not composed in accordance with the amendment to that section, may continue to act as the governing body until a quorum of the members of the governing body who take office under a law adopted under Subsection (b) of this section have qualified.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 2, 1999. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment authorizing the legislature to provide that a state board, commission, or other agency shall be governed by a board composed of an odd number of three or more members."

HOUSE COMMITTEE REPORT

99 APR -5 FM 12: 55

1st Printing

By Gallego

H.J.R. No. 29

A JOINT RESOLUTION

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SECTION 1. Section 30a, Article XVI, Texas Constitution, is amended to read as follows:

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SECTION 2. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the amendment to Section 30a, Article XVI, of this constitution, proposed by the 76th Legislature, that provides that the governing

H.J.R. No. 29

body of a state agency may be composed of an odd number of three or more members. This provision expires September 1, 2005.

- (b) The legislature shall provide by law for the change in composition of the governing body of a state agency that is composed in accordance with Section 30a, Article XVI, of this constitution, as added in 1912, but that is not composed in accordance with the amendment to that section. Laws enacted by the legislature under this subsection shall provide that the change in composition into a form allowed under this constitution will take place not later than September 1, 2003.
- (c) The governing body of a state agency composed in accordance with Section 30a, Article XVI, of this constitution, as added in 1912, but that is not composed in accordance with the amendment to that section, may continue to act as the governing body until a quorum of the members of the governing body who take office under a law adopted under Subsection (b) of this section have qualified.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 2, 1999. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment authorizing the legislature to provide that a state board, commission, or other agency shall be governed by a board composed of an odd number of three or more members."

COMMITTEE REPORT

The Honorable James E. "Pete" Laney Speaker of the House of Representatives

3-29-99 (date)

Sir:				
We, your COMMITTEE ON STATE	E AFFAIRS			
to whom was referred HJR back with the recommendation that		have had th	e same under consid	leration and beg to report
 (v) do pass, without amendment. () do pass, with amendment(s). () do pass and be not printed; a 	Complete Committe	ee Substitute is recomi	mended in lieu of the	original measure.
(v) yes () no A fiscal note w	as requested.			
() yes () no A criminal justi	ce policy impact sta	atement was requested	d.	
() yes ($\sqrt{\ }$) no An equalized ϵ	educational funding	impact statement was	requested.	
() yes () no An actuarial ar	nalysis was request	ed.		
() yes () no A water develo	opment policy impac	ct statement was reque	ested.	
() yes ($\sqrt{\ }$) no A tax equity no	ote was requested.			
() The Committee recommends	that this measure be	e sent to the Committe	e on Local and Cons	ent Calendars.
For Senate Measures: House Spo	onsor			
Joint Sponsors:	/	/	,	
Co-Sponsors:				
The measure was reported from Co	ommittee by the foll	owing vote:		
	AYE	NAY	PNV	ABSENT
Wolens, Chair	V			
Turner, S., Vice-chair	/			
Alvarado				
Bailey	/			
Brimer	/			
Counts				
Craddick				
Danburg	/			
Hilbert	V			
Hunter				
Jones, D.				
Longoria				
McCail				
Marchant	/			
Merritt				
2		CHAIR	IUU	<u></u>

BILL ANALYSIS

Office of House Bill Analysis

H.J.R. 29 By: Gallego State Affairs 2/17/1999 Introduced

BACKGROUND AND PURPOSE

Currently, Article XVI (General Provisions), Section 30a (Members of Boards; Terms of Office), Texas Constitution, allows members of the Board of Regents of the State University and boards of trustees or managers of certain institutions of the State (boards) to hold office for terms of six years. The constitution does not specify the number of members required or allowed on the boards. However, the constitution does require that one-third of the board members be elected or appointed every two years. Section 30a has been interpreted as requiring the number of the board members to be divisible by three to ensure that one-third of the members are elected or appointed every two years. This creates a problem when the legislature wants to increase the number of board members, because it must do so in increments of three.

H.J.R. 29 simplifies Section 30a by allowing an odd number of three or more members to serve on the boards and by providing that approximately one-third of the boards' members must be elected every two years.

As proposed, H.J.R 29 requires the submission to the voters of a constitutional amendment authorizing the legislature to provide that specific state boards, commissions, or other agencies are to be governed by a board composed of an odd number of three or more members.

RULEMAKING AUTHORITY

It is the opinion of the Office of House Bill Analysis that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 30a, Article XVI, Texas Constitution, to authorize specific state boards, commissions, or other agencies to be governed by a board composed of an odd number of three or more members. Makes nonsubstantive changes.

SECTION 2. Adds a temporary provision to the Texas Constitution, as follows:

TEMPORARY PROVISION. (a) Provides that a governing body of a state agency may be composed of an odd number of three or more members. Establishes an expiration date of September 1, 2005.

- (b) Requires the legislature to provide by law for the change in composition of the governing body of a state agency that is composed in accordance with Section 30a, Article XVI, Texas Constitution, as added in 1912, but that is not composed in accordance with the amendment to that section. Requires the laws enacted by the legislature under this subsection to provide that the change in composition into a form allowed under this constitution will take place not later than September 1, 2003.
- (c) Authorizes a governing body of a state agency that is composed in accordance with Section 30a, Article XVI, Texas Constitution, as added in 1912, but that is not composed in accordance with the amendment to that section to continue to act as the governing body until a quorum of the members of the governing body who take office under a law adopted

under Subsection (b) of this section have qualified.

SECTION 3. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held on November 2, 1999. Sets forth the required language for the ballot.

SUMMARY OF COMMITTEE ACTION

HJR 29

March 8, 1999 1:30PM Considered in public hearing Testimony taken in committee Left pending in committee

March 29, 1999 2:00PM or upon adjournment Considered in public hearing Reported favorably without amendment(s)

LEGISLATIVE BUDGET BOARD Austin, Texas

FISCAL NOTE, 76th Regular Session

February 22, 1999

TO: Honorable Steven Wolens, Chair, House Committee on State Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: HJR29 by Gallego (proposing a constitutional amendment authorizing the legislature to provide that a state board, commission, or other agency shall be governed by a board composed of an odd number of three or more members), As Introduced

No significant fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$76,352.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, BB

LIST OF HOUSE AMENDMENTS CONSIDERED TODAY

HJR29-Second Reading

AMENDMENT#	<u>AUTHOR</u>	DESCRIPTION	<u>ACTION</u>
1	Gallego	Amendment	Adopted



House of Representations

FLOOR AMENDMENT NO.

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Amend H.J.R. No. 29 on page 1, line 19, after "section." by inserting the following: The Legislature may provide by law that a board required by this constitution be composed of members of any number divisible by three (3) who serve for a term of six (6) years, with one-third of the members elected or appointed every two (2) years.

76R13145 GCH-D

HOUSE ENGROSSMENT

By Gallego H.J.R. No. 29

A JOINT RESOLUTION

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proposing a constitutional amendment authorizing the legislature to provide that certain state boards, commissions, or other agencies shall be governed by a board composed of an odd number of three or more members.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 30a, Article XVI, Texas Constitution, is amended to read as follows:

Sec. 30a. The Legislature may provide by law that the [members-of-the] Board of Regents of the State University and boards of trustees or managers of the educational, eleemosynary, and penal institutions of the State, and such boards as have been, or may hereafter be established by law, may be composed of an odd number of three or more members who serve for a [hold--their respective--offices-for-the] term of six (6) years, with one-third, or as near as one-third as possible, of the members of such boards to be elected or appointed every two (2) years in such manner as the Legislature may determine; vacancies in such offices filled as may be provided by law, and the Legislature shall enact suitable laws to give effect to this section. The Legislature may provide by law that a board required by this constitution be composed of members of any number divisible by three (3) who serve for a term of six (6) years, with one-third of the members elected or appointed every two (2) years.

SECTION 2. The following temporary provision is added to the

Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the amendment to Section 30a, Article XVI, of this constitution, proposed by the 76th Legislature, that provides that the governing body of a state agency may be composed of an odd number of three or more members. This provision expires September 1, 2005.

- (b) The legislature shall provide by law for the change in composition of the governing body of a state agency that is composed in accordance with Section 30a, Article XVI, of this constitution, as added in 1912, but that is not composed in accordance with the amendment to that section. Laws enacted by the legislature under this subsection shall provide that the change in composition into a form allowed under this constitution will take place not later than September 1, 2003.
- (c) The governing body of a state agency composed in accordance with Section 30a, Article XVI, of this constitution, as added in 1912, but that is not composed in accordance with the amendment to that section, may continue to act as the governing body until a quorum of the members of the governing body who take office under a law adopted under Subsection (b) of this section have qualified.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 2, 1999. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment authorizing the legislature to provide that a state board, commission, or other agency shall be governed by a board composed of an odd number of

H.J.R. No. 29

three or more members."

LEGISLATIVE BUDGET BOARD Austin, Texas

FISCAL NOTE, 76th Regular Session

February 22, 1999

TO: Honorable Steven Wolens, Chair, House Committee on State Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: HJR29 by Gallego (proposing a constitutional amendment authorizing the legislature to provide that a state board, commission, or other agency shall be governed by a board composed of an odd number of three or more members), As Introduced

No significant fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$76,352.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, BB

H.J.R. No. 29 By: Gallegos (Senate Sponsor - Shapiro) (In the Senate - Received from the House April 23, 1999; April 26, 1999, read first time and referred to Committee on State Affairs; May 12, 1999, reported favorably by the following vote: Yeas 7, Nays 0; May 12, 1999, sent to printer.)

HOUSE JOINT RESOLUTION

proposing a constitutional amendment authorizing the legislature to provide that certain state boards, commissions, or other agencies shall be governed by a board composed of an odd number of three or more members.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 30a, Article XVI, Texas Constitution, is

amended to read as follows:

Sec. 30a. The Legislature may provide by law that the [members-of-the] Board of Regents of the State University and boards of trustees or managers of the educational, eleemosynary, and penal institutions of the State, and such boards as have been, or may hereafter be established by law, may be composed of an odd number of three or more members who serve for a [hold-their respective--offices-for-the] term of six (6) years, with one-third, or as near as one-third as possible, of the members of such boards to be elected or appointed every two (2) years in such manner as the Legislature may determine; vacancies in such offices to be filled as may be provided by law, and the Legislature shall enact suitable laws to give effect to this section. The Legislature may provide by law that a board required by this constitution be composed of members of any number divisible by three (3) who serve for a term of six (6) years, with one-third of the members elected or appointed every two (2) years.

SECTION 2. The following temporary provision is added to the

Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the amendment to Section 30a, Article XVI, of this constitution, proposed by the 76th Legislature, that provides that the governing body of a state agency may be composed of an odd number of three or more members. This provision expires September 1, 2005.

(b) The legislature shall provide by law for the change in composition of the governing body of a state agency that is composed in accordance with Section 30a, Article XVI, of this constitution, as added in 1912, but that is not composed in accordance with the amendment to that section. Laws enacted by the

legislature under this subsection shall provide that the change in composition into a form allowed under this constitution will take place not later than September 1, 2003.

(c) The governing body of a state agency composed in accordance with Section 30a, Article XVI, of this constitution, as added in 1912, but that is not composed in accordance with the amendment to that section, may continue to act as the governing body until a quorum of the members of the governing body who take office under a law adopted under Subsection (b) of this section office under a law adopted under Subsection (b) of this section have qualified.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 2, 1999. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment authorizing the legislature to provide that a state board, commission, or other agency shall be governed by a board composed of an odd number of three or more members."

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1-32 1-33 1-34

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FAVORABLE SENATE COMMITTEE REPORT ON

	(Autflor/Senate Sp. 5) (date)	oons (r)
We, your Committee on	STATE AFFAIRS	, to which was referred the attached measure,
have on (date of hearing back with the recommendation (s) the	ng)	under consideration and I am instructed to report it
(Y do pass and be printed		
() do pass and be ordered not printe	d	

SB SCR SJR SR HB HCR HJR 29

() and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. (*yes () no

A revised fiscal note was requested. () yes () no

An actuarial analysis was requested. () yes () no

Considered by subcommittee. () yes () no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Shapiro, Chair				·
Senator Shapleigh, Vice-Chair				
Senator Bernsen				
Senator Brown				
Senator Cain	V			
Senator Haywood				
Senator Lucio				
Senator Nixon				
Senator Wentworth			1 /	
TOTAL VOTES	7_	0	2	Ø

COMMITTEE ACTION

\$260 Considered in public hearing	
S270 Testimony taken	
PRANCHE HOM	Horevee Shymu
COMMITTEE CLERK //	CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill Retain one copy of this form for Committee files

BILL ANALYSIS

Senate Research Center

H.J.R. 29 By: Gallego (Shapiro) State Affairs 5/10/1999 Engrossed

DIGEST

Currently, Article XVI, Section 30a, Texas Constitution, allows members of the board of regents of the state university and boards of trustees or managers of certain institutions of the state to hold office for terms of six years. The constitution does not specify the number of members required or allowed on the boards. However, the constitution does require that one-third of the board members be elected or appointed every two years. Section 30a has been interpreted as requiring the number of the board members to be divisible by three to ensure that one-third of the members are elected or appointed every two years. This creates a problem when the legislature wants to increase the number of board members, because it must do so in increments of three.

H.J.R. 29 simplifies Section 30a by allowing an odd number of three or more members to serve on the boards and by providing that approximately one-third of the boards' members must be elected every two years.

PURPOSE

As proposed, H.J.R. 29 requires the submission to the voters of a constitutional amendment authorizing the legislature to provide that specific state boards, commissions, or other agencies are to be governed by a board composed of an odd number of three or more members.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 30a, Article XVI, Texas Constitution, to authorize certain state boards, commissions, or other agencies to be governed by a board composed of an odd number of three or more members. Makes nonsubstantive changes.

SECTION 2. Adds a temporary provision to the Texas Constitution, as follows:

TEMPORARY PROVISION. (a) Provides that a governing body of a state agency may be composed of an odd number of three or more members. Expiration date: September 1, 2003. (b) Authorizes the legislature to provide by law for the change in composition of the governing body of a state agency that is composed in accordance with Section 30a, Article XVI, Texas Constitution, but that is not composed in accordance with the amendment to that section. Requires the laws enacted by the legislature under this subsection to provide that the change in composition into a form allowed under this constitution will take place not later than September 1, 2003.

(c) Authorizes a governing body of a state agency that is composed in accordance with Section 30a, Article XVI, Texas Constitution, but that is not composed in accordance with the amendment to that section to continue to act as the governing body until a quorum of the members of the governing body who take office under a law adopted under Subsection (b) of this section have qualified.

SECTION 3. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held on November 2, 1999. Sets forth the required language for the ballot.

LEGISLATIVE BUDGET BOARD Austin, Texas

FISCAL NOTE, 76th Regular Session

May 10, 1999

TO: Honorable Florence Shapiro, Chair, Senate Committee on State Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: HJR29 by Gallego (Proposing a constitutional amendment authorizing the legislature to provide that certain state boards, commissions, or other agencies shall be governed by a board composed of an odd number of three or more members.), As Engrossed

No significant fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$76,352.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff:

JK, SD, BB

LEGISLATIVE BUDGET BOARD Austin, Texas

FISCAL NOTE, 76th Regular Session

February 22, 1999

TO: Honorable Steven Wolens, Chair, House Committee on State Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: HJR29 by Gallego (proposing a constitutional amendment authorizing the legislature to provide that a state board, commission, or other agency shall be governed by a board composed of an odd number of three or more members), As Introduced

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Source Agencies:

LBB Staff:

JK, BB

ENROLLED

H.J.R. No. 29

A JOINT RESOLUTION

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- (b) The legislature shall provide by law for the change in composition of the governing body of a state agency that is composed in accordance with Section 30a, Article XVI, of this constitution, as added in 1912, but that is not composed in accordance with the amendment to that section. Laws enacted by the legislature under this subsection shall provide that the change in composition into a form allowed under this constitution will take place not later than September 1, 2003.
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H.J.R. No. 29

three or more members."

H.J.R. No. 29

	Presider	nt of the	Senate			Spea	ker of	the Hou	se	
	I cert	ify that	H.J.R.	No. 29	was	passed	by the	House (on Apri	1
22,	1999, h	y the fol	lowing	vote:	Yeas	144,	Nays 0,	1 pres	ent, no	t
vot	ing.									
						·····				
						Chief	Clerk	of the	House	
	I cert	ify that	H.J.R.	No. 29	was	passed	by the	Senate	on Ma	У
18,	1999, by	the foll	owing v	ote: 3	Yeas	30, Na	ys 0.			
									-·· ·	_
						Secre	tary of	the Se	nate	
REC	EIVED: _									
		Da	te							
	_									
		Secretar	y of St	ate						

President	of the Senate		Speaker of the	House
I certi	fy that H.J.R.	No. $\frac{29}{(1)}$	was passed by the	House on
Yeas $\frac{1}{3}$, N	(2) lays	/ pul	by the following sent, not	voting
			Chief Clerk of	the House
			was passed by the	
Yeas 00 , 0	lays $\underline{\hspace{0.1cm}}$	(7)	
		_	Secretary of th	e Senate
RECEIVED:				
	Date			
	Secretary of St	tate		

**** Preparation: CT23;

H.J.R. No. 29

By HOLP Hollegr

Proposing a constitutional amendment authorizing the legislature to provide that a state board, commission, or other agency shall be governed by a board composed of an odd number of three or more members.

JAN 07 1993	Filed with the Chief Clerk
FEB 0 4 1999	Read first time and referred to Committee on State Affails
MAR 2 9 1999	Reported favorably (assembled)
APR 0 6 1999	(as substituted) Sent to Committee on Calendars
APR 2 2 1999	Read second time (accordance) (amended) and adopted (possed to think the line) by a record vote of yeas, nays, present, not voting
	Read third time (amended) and finally adopted (failed of adoption) by a record vote of yeas, present, not voting
APR 2 3 1999	Engrossed Sharon Carler
APR 2 3 1999	Sent to Senate CHIEF CLERK OF THE HOUSE
OTHER HOUSE ACTIO	ON:
APR 2 3 1999	_ Received from the House
APR 26 1999	Read and referred to Committee onSTATE AFFAIRS
MAY 12 1999	Reported favorably
	Reported adversely, with favorable Committee Substitute; Committee Substitute read first time
	Ordered not printed
	Laid before the Senate
MAY 1 8 1999	Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
MAY 1 8 1999	Read second time,, and passed to third reading by (unanimous consent) (a viva voce vote) (
MAY 1 8 1999	Senate and Constitutional 3 Day Rules suspended by a vote of 30 yeas, 0 nays
MAY 1 8 1999	Read third time,, and passed by 30 yeas, 9 nays
May 18, 1999	Returned to the House SECRETARY OF THE SENATE
OTHER SENATE AC	•

MAY 1 8 1999	Returned from the Senate (as substituted) (with amendments)					
	House concurred in Senate amendments by a (non-record vote) (record vote of					
	House refused to concur in Senate amendments and requested the appointment of a conference committee by a (non-record vote) (record vote of yeas, nays, present, not voting					
	Senate granted House request. Senate conferees appointed:, Chair					
	Conference committee report adopted (rejected) by the House by a record vote of yeas, nays, present, not voting					
	Conference committee report adopted (rejected) by the Senate by a record vote of yeas,					

** Y

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